

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation; AMAZON.COM SERVICES LLC, a Delaware limited liability company; and WORLD WRESTLING ENTERTAINMENT INC., a Delaware corporation,

Plaintiffs,

v.

An individual or entity doing business as GRATO INTERNATIONAL; and DOES 1-10,

Defendants.

No. 2-22-cv-01205-RSL-SKV

**PLAINTIFFS' *EX PARTE*
RULE 42 MOTION TO
CONSOLIDATE CASES**

**NOTED ON MOTION CALENDAR:
SEPTEMBER 28, 2022**

I. INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 42 and Local Rule 42, Plaintiffs Amazon.com, Inc., Amazon.com Services LLC (collectively, "Amazon"), and World Wrestling Entertainment Inc. ("WWE," and together with Amazon, "Plaintiffs") seek to consolidate this case with the following nearly identical trademark infringement cases also pending before this Court (together with this action, the "Related Cases"):

- *Amazon.com, Inc., Amazon.com Services LLC, and World Wrestling Entertainment Inc. v. Superiorleather and Does 1-10*, WDWA Case No. 2-22-cv-01207-RSL-SKV, filed on August 30, 2022 (the "Superiorleather Action").

- 1 • *Amazon.com, Inc., Amazon.com Services LLC, and World Wrestling*
2 *Entertainment Inc. v. LonspireSports and Does 1-10*, WDWA Case No. 2-22-cv-
3 01209-RSL-SKV, filed on August 30, 2022 (the “LongspireSports Action”).
- 4 • *Amazon.com, Inc., Amazon.com Services LLC, and World Wrestling*
5 *Entertainment Inc. v. Sports Cheap Gadgets and Does 1-10*, WDWA Case No. 2-
6 22-cv-01210-RSL-SKV, filed on August 30, 2022 (the “Sports Cheap Gadgets
7 Action”).
- 8 • *Amazon.com, Inc., Amazon.com Services LLC, and World Wrestling*
9 *Entertainment Inc. v. Regalia Craft PK, Leatherright, and Does 1-10*, WDWA
10 Case No. 2-22-cv-01211-RSL-SKV, filed on August 30, 2022 (the “Regalia Craft
11 PK Action”).
- 12 • *Amazon.com, Inc., Amazon.com Services LLC, and World Wrestling*
13 *Entertainment Inc. v. Maxan International and Does 1-10*, WDWA Case No. 2-
14 22-cv-01212-RSL-SKV, filed on August 30, 2022 (the “Maxan International
15 Action”).
- 16 • *Amazon.com, Inc., Amazon.com Services LLC, and World Wrestling*
17 *Entertainment Inc. v. Rizvi Belts and Medals and Does 1-10*, WDWA Case No. 2-
18 22-cv-01214-RSL-SKV, filed on August 30, 2022 (the “Rizvi Belts and Medals
19 Action”).
- 20 • *Amazon.com, Inc., Amazon.com Services LLC, and World Wrestling*
21 *Entertainment Inc. v. Armchampionshipb and Does 1-10*, WDWA Case No. 2-22-
22 cv-01215-RSL-SKV filed on August 30, 2022 (the “Armchampionshipb Action”).

23 Because the Related Cases involve the same Plaintiffs asserting nearly identical causes of
24 action based on similar fact patterns, they have been designated as related actions and assigned to

1 the same judge. Consolidation into a single action will further serve the interests of judicial
2 economy and efficiency and will not prejudice Defendants.¹

3 II. FACTS RELEVANT TO MOTION

4 On August 30, 2022, Plaintiffs filed a complaint alleging trademark infringement,
5 copyright infringement, false designation of origin and false advertising under the Lanham Act,
6 violation of the Washington Consumer Protection Act, and breach of contract against defendants.
7 Dkt. 1.

8 On the same date, Plaintiffs filed seven other complaints² alleging nearly identical claims
9 for trademark infringement, copyright infringement, false designation of origin and false
10 advertising under the Lanham Act, and violation of the Washington Consumer Protection Act
11 against bad actors identified in the Related Cases.³ In all eight cases, Plaintiffs' claims arise from
12 Defendants' sale of counterfeit and/or infringing WWE brand replica championship title belts,
13 without authorization, in the Amazon.com store (the "Amazon Store").

14 Because the Related Cases concern similar parties, transactions, and events, Plaintiffs
15 filed Notices of Related Cases in each of the Related Cases. Dkt. 7; Superiorleather Action, Dkt.
16 9; LonspireSports Action, Dkt. 7; Sports Cheap Gadgets Action, Dkt. 7; Regalia Craft PK
17 Action, Dkt. 7; Maxan International Action, Dkt. 7; Rizvi Belts and Medals Action, Dkt. 7;
18 Armchampionshipb Action, Dkt. 9. The Notices explained that the Related Cases assert nearly
19 identical causes of action arising from the Defendants' sale of counterfeit or inauthentic WWE
20 products. *Id.* Because adjudicating the cases before different judges would risk duplication of
21

22 ¹ Plaintiffs believe that Defendants are located in Pakistan, and that many of the Defendants provided Amazon with
23 fake contact information and addresses when they registered their selling accounts. Despite Plaintiffs' diligent
24 investigation, they have not been able to locate and serve them to date. Accordingly, Plaintiffs have not been able to
25 meet and confer with the Defendants regarding this Motion pursuant to Local Rule 42(b).

26 ² Plaintiffs filed a ninth action involving nearly identical claims that was also deemed a related case: *Amazon.com, Inc., Amazon.com Services LLC, and World Wrestling Entertainment Inc. v. Mehmood Qaiser, Shaheen Gul, Amen Quality Goods LLC d/b/a JHOL, HouseOfScotland, and Does 1-10*, WDWA Case No. 2:22-cv-01216-RSM ("JHOL Action"). However, Plaintiffs do not seek consolidation of the JHOL Action, as it involves defendants located in the United States whom Plaintiffs have been able to locate and serve with the Complaint and is therefore in a different procedural posture than the other eight cases.

27 ³ In the Superiorleather Action, LonspireSports Action, Sports Cheap Gadgets Action, and Regalia Craft PK Action, Amazon has also asserted a breach of contract claim.

1 judicial resources and conflicting results, Plaintiffs requested the cases be reassigned to a single
2 judge. *Id.* Subsequently, the Related Cases were assigned to Judge Robert S. Lasnik, and referred
3 to Magistrate Judge S. Kate Vaughan. Plaintiffs now seek to consolidate the Related Cases.

4 III. AUTHORITY AND ARGUMENT

5 Rule 42(a) of the Federal Rules of Civil Procedure permits courts to consolidate actions if
6 they “involve a common question of law or fact.” Fed. R. Civ. P. 42(a). This rule affords courts
7 “broad discretion” to consolidate cases pending in the same district, either upon a party’s motion
8 or *sua sponte*. *In re Adams Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987); *Perez-Funez v.*
9 *Dist. Director, Immigr. & Naturalization Serv.*, 611 F. Supp. 990, 994 (C.D. Cal. 1984) (“A
10 court has broad discretion in deciding whether or not to grant a motion for consolidation,
11 although, typically, **consolidation is favored.**”) (internal citations omitted; emphasis added). In
12 considering whether to consolidate, the court also weighs the interests of judicial economy
13 against any delay or prejudice that could result. *In re Adams Apple, Inc.*, 829 F.2d at 1487.

14 Here, the prerequisites for consolidation under Rule 42(a) are met. The Related Cases
15 involve the same plaintiffs, nearly identical causes of action, and similar fact patterns involving
16 the sale of the same infringing products. The Related Cases already have been assigned to a
17 single judge, and judicial economy will be further served by consolidation because the Related
18 Cases are likely to involve the same witnesses, evidence, and legal issues. *See Cascade Yarns,*
19 *Inc. v. Knitting Fever, Inc.*, 2013 WL 6008308, at *4 (W.D. Wash. Nov. 13, 2013) (granting
20 motion to consolidate where claims arose from the same nucleus of facts). Indeed, courts
21 commonly consolidate actions brought by the same parties alleging claims involving the sale of
22 infringing products. *See, e.g., Amazon.com, Inc. et al. v. Li Yong, et al.*, Case No. 2:21-00170-
23 RSM, Dkt. 17 (granting consolidation of actions brought by Amazon and Ferragamo against
24 infringers); *Amazon.com, Inc. et al. v. Tian Ruiping, et al.*, Case No. 2:21-cv-00159-TL, Dkt. 11
25 (granting consolidation of actions brought by Amazon and Dutch Blitz against infringers); *Kerr*
26 *Corp. v. N. Am. Dental Wholesalers, Inc.*, 2011 WL 4965111, at *2 (C.D. Cal. Oct. 18, 2011)
27 (consolidating counterfeit actions because of the overlap in claims, facts, and parties); *Ohanian*

1 v. *Tekno Prod., Inc.*, 2020 WL 4557066, at *4 (N.D. Ga. Feb. 12, 2020) (same). Consolidation
2 also will avoid the adjudication of duplicative motions in each case (e.g., motions for expedited
3 discovery) and eliminate the risk of inconsistent results. *Cascade Yarns*, 2013 WL 6008308, at
4 *4.

5 Finally, Defendants will suffer no prejudice by consolidation. “Far from prejudicing
6 either party, consolidation avoids the danger that two juries reach inconsistent results in two
7 separate trials.” *Id.*; *Dusky v. Bellasaire Invs.*, 2007 WL 4403985 (C.D. Cal. 2007) (“The
8 purpose of consolidation is to enhance court efficiency and avoid the danger of inconsistent
9 adjudications.”); *see also Levy v. 24 Hour Fitness Worldwide, Inc. (Santa Monica)*, 2013 WL
10 2456566, at *1 (N.D. Cal. June 6, 2013) (granting motion to consolidate “[s]ince Defendant has
11 not appeared in any of these actions, [and] there is no one who could object to, or be prejudiced
12 by, granting Plaintiff’s request”).

13 IV. CONCLUSION

14 For the foregoing reasons, Plaintiffs respectfully request the Court grant this Motion to
15 Consolidate the Related Cases into one action for all further proceedings.

16 DATED this 28th day of September, 2022.

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